

**DURHAM, NORTH CAROLINA  
MONDAY, JUNE 16, 2008  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Absent: None.

Also present: City Manager Patrick Baker, Interim City Attorney Karen Sindelar, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the pledge of allegiance led by Council Member Clement.

Mayor Pro Tempore Cole-McFadden read proclamations recognizing GlaxoSmithKline and ALSCO as a City of Durham Water Use It Wisely Partner. Mr. Bill Shore from GlaxoSmithKline and Mr. Gary Foster of ALSCO made comments.

Mayor Bell read a proclamation honoring Mrs. Colean Gore.

Council Member Woodard read a Resolution Memorializing Southgate Jones, Jr. that was presented his wife, Dewey Owen Jones.

Council Members made comments on the following events attended and special recognition of individuals, organizations, etc:

Mayor Pro Tempore Cole-McFadden recognized the youth from YO Durham and the Executive Director Susan Black of YO Durham gave an overview of the program. She congratulated Rev. Bell of First Congregational United Church of Christ and Rev. Watkins from Russell Memorial CME Church.

Council Member Woodard: Rotary Club of Durham - Rev. Joe Harvard recipient of Outstanding Citizen Award.

Mayor Pro Tempore Cole-McFadden: Book signing of resident who was reared in Durham.

Mayor Bell: Juneteenth Celebration and Latino Festival.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Baker asked that GBA Item #66 be moved to the Consent Agenda and referenced Supplemental Agenda Items 73 to 77 that have been added to the agenda. He gave Council an update on the water supply and noted that the following memo will be provided to Council.

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**CITY OF DURHAM, NORTH CAROLINA**

June 16, 2008

**MEMO TO:** Patrick Baker, City Manager

**FROM:** Vicki Westbrook, Deputy Director, Water Management

**SUBJECT:** Water Supply Update, June 16, 2008

Due to persistent dry weather, Durham County has been designated in the D-1, Moderate Drought category by the NC Drought Monitoring Advisory Council, as updated on 6/10/08. Restrictions were relaxed to *Stage III, Moderate Mandatory Conservation* effective Wednesday, April 2<sup>nd</sup>. Watering is now allowed two days per week; significant increases in usage are being noted on Wednesdays and Saturdays due to watering. The extreme temperatures are also causing increased cooling tower usage and resultant increase in demands. In a month to month comparison for June usage to date (28.22 MGD), there is a reduction of 17% as compared to the June '07 average of 33.79 MGD.

**Current status:**

Stream flows are flowing at less than normal levels. Currently, the combined lake capacity is 95%, with levels as follows:

- Lake Michie is 1 foot below full at 340.00 MSL
- Little River Lake is 1.1 feet below full at 353.9 MSL

**Days of Supply** of using 30-day running average of **25.97 MGD\***

- Premium water remaining based on usable storage in Lake Michie and Little River Lake of **6.008 BG is 231 days**
- Teer Quarry is now off line, with **14 days** of supply available
- 1.2 Billion Gallons (below the intakes of Little River & Lake Michie) = **46 days**
- **Total days = 291**
- Please note all calculations assume no additional rainfall and zero stream flows

*\*The 30-day average demand includes all demand exerted on the two supply lakes. There is no offset by from any other source.*

**Additional information:**

- Since restrictions were relaxed on 4/2/08, staff have responded to 48 reports of water violations (all but 3 related to irrigation) and issued 4 official Warning Notices.
- Teer Quarry is off line; approximately 375 million gallons are still available for use.
- Staff has not withdrawn any water from the Eno River in June; seasonal requirements have been eased so that at least 10 cubic feet per second must be maintained beyond the pump station.

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- Staff continues to work with Town of Cary staff to increase the pumping capacity of the #1 interconnection up from 2 MGD to 4 MGD. From October through March (Cary pumping is now offline), purchase of water from Cary totaled 337.53 MG. Upon completion, the second Cary interconnection could provide in up to 7 MGD, allowing full access of our 10 MGD Jordan Lake allocation.

**MOTION** by Council Member Catotti seconded by Council Member Woodard to accept the City Manager's priority items;

To move Supplemental Agenda Items 73, 74, 75 and 77 to the Consent Agenda; and

To move Supplemental Agenda Item 76 to the General Business Agenda was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: EMPLOYMENT AGREEMENT WITH NEW CITY MANAGER THOMAS J. BONFIELD**

Interim City Attorney Karen Sindelar announced that the proposed employment agreement between the City Council, City of Durham and the new City Manager Thomas J. Bonfield is consistent with the terms discussed in the press conference several weeks ago. She reported there is an addition of a five-year initial term with severance keyed to that term and termination provisions which allow termination by the City Council in specifically described circumstances.

**MOTION** by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to approve the employment agreement for the new City Manager Thomas J. Bonfield was approved at 7:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: SALARY OF INTERIM CITY ATTORNEY KAREN SINDELAR**

Based on the work done by Interim City Attorney Karen Sindelar, Mayor Bell made comments on the discussion Council had regarding the salary of Interim City Attorney Karen Sindelar. Mayor Bell stated Council made a recommendation to increase Interim City Attorney Karen's salary to \$165,000 pro-rated until she no longer serves as Interim City Attorney—salary increase effective July 1, 2008.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to increase the salary of Interim City Attorney Karen Sindelar to \$165,000 pro-rated annually until she no longer serves as Interim City Attorney [salary increase effective July 1, 2008] was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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There were no priority items from the City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Item 35 was pulled.

Council Member Brown stated he would be voting against Consent Agenda Item #33 [Walltown Park Recreation Center CMAR Construction Services Amendment].

**MOTION** by Council Member Ali seconded by Council Member Clement to approve the Consent Agenda as amended was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: APPROVAL OF CITY COUNCIL MINUTES**

**MOTION** by Council Member Ali seconded by Council Member Clement to approve City Council minutes for the May 5, 2008 City Council Meeting; and

To approve City Council action taken at the May 8, 2008 City Council Work Session was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: CITIZENS ADVISORY COMMITTEE - APPOINTMENT**

**MOTION** by Council Member Ali seconded by Council Member Clement to reappoint DeWarren K. Langley to the Citizens Advisory Committee with the term to expire on June 30, 2011 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: MAYOR'S NOMINEE FOR APPOINTMENT TO THE DURHAM HOUSING AUTHORITY BOARD OF COMMISSIONERS**

**MOTION** by Council Member Ali seconded by Council Member Clement to reappoint Thomas Niemann to the Durham Housing Authority Board of Commissioners with the term to expire on September 28, 2012 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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**SUBJECT: HOUSING APPEALS BOARD - APPOINTMENTS**

**MOTION** by Council Member Ali seconded by Council Member Clement to reappoint Chandra T. Taylor (representing Tenant) and Tiffany Dawn Russell (representing Finance) as Regular Members to the Housing Appeals Board with terms to expire on June 30, 2011 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: DURHAM CITY-COUNTY APPEARANCE COMMISSION - APPOINTMENT**

**MOTION** by Council Member Ali seconded by Council Member Clement to reappoint Rebecca Wellborn to the Durham City-County Appearance Commission with the term to expire on April 1, 2011 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: DURHAM BICYCLE & PEDESTRIAN ADVISORY COMMISSION - APPOINTMENT**

**MOTION** by Council Member Ali seconded by Council Member Clement to appoint Merry G. Rabb to the Durham Bicycle & Pedestrian Advisory Commission with the term to expire on August 31, 2008 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: BID REPORT – APRIL 2008**

**MOTION** by Council Member Ali seconded by Council Member Clement to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of April 2008 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Date:** May 8, 2008

**To:** Patrick W. Baker, City Manager

**Through:** Wanda S. Page, Deputy City Manager  
Keith Herrmann, Interim Finance Director

**From:** Joseph W. Clark, CLGPO, Purchasing Manager

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**Subject:** Bid Report – April 2008

**Recommendation**

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of **April 2008**.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid: Pre-made Traffic Signs**

Purpose of Bid: To provide Transportation/Sign Shop with pre-made signs

Comments:

Opened: March 25, 2008

Bidders:	Vulcan Signs	* \$18,228.96
	Foley, AL	
	Korman Signs Inc.	\$19,040.99
	Richmond, VA	
	Newman Signs	\$20,696.50
	Jamestown, ND	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	176		# Black Males	49	27%
Total # Females	28	16%	# White Males	98	55%
Total # Males	148	84%	# Other Males	1	01%
			# Black Females	5	03%
			# White Females	22	12%
			# Other Females	1	01%

The SDBE Data Base was used in the solicitation of bids for this item.

2. **Bid: Blank Traffic Signs**

Purpose of Bid: To provide Transportation/Sign Shop with blank traffic signs (stop, yield, etc)

Comments:

Opened: March 25, 2008

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Bidders:	Vulcan Signs	* \$39,483.75
	Foley, AL	
	Newman Signs	\$40,519.00
	Jamestown, ND	
	Korman Signs Inc.	\$63,871.25
	Richmond, VA	

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	176		# Black Males	49	27%
Total # Females	28	16%	# White Males	98	55%
Total # Males	148	84%	# Other Males	1	01%
			# Black Females	5	03%
			# White Females	22	12%
			# Other Females	1	01%

The SDBE Data Base was used in the solicitation of bids for this item.

**3. Bid: Furnish and Install Backup Generator at Fire Station No. 1**

Purpose of Bid: To provide Fire Station no. 1 with a backup generator

Comments:

Opened: March 27, 2008

Bidders:	Bitting Electric, Inc.	* \$89,400.00
	Cary, NC	
	Moonlite Electric & Renovations, Inc.	\$108,250.00
	Cary, NC	
	Bryant-Durham Electric Company, Inc.	\$130,000.00
	Durham, NC	

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	25		# Black Males	2	08%
Total # Females	2	08%	# White Males	18	72%
Total # Males	23	92%	# Other Males	3	12%
			# Black Females	0	0%

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# White Females	2	08%
# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

**4. Bid: Office Furniture for the Budget Department**

Purpose of Bid: To purchase office furniture for the Budget Department

Comments:

Opened: March 28, 2008

Bidders:	MacThrift Office Furniture	* \$26,765.10
	Durham, NC	
	Prestige Office	\$27,581.97
	Durham, NC	

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	70		# Black Males	14	20%
Total # Females	35	50%	# White Males	20	25%
Total # Males	35	50%	# Other Males	1	05%
			# Black Females	2	10%
			# White Females	32	35%
			# Other Females	1	05%

The SDBE Data Base was used in the solicitation of bids for this item.

**5. Bid: Optical Touch Video Conference Monitor with accessories**

Purpose of Bid: To purchase an optical touch video conference monitor with accessories for the Public Works Department

Comments:

Opened: April 1, 2008

Bidders:	Alphanumeric Systems Inc.	*\$16,334.25
	Raleigh, NC	
	Florida Micro, LLC	\$17,294.26
	Delray Beach, FL	



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S-Tech  
Charlotte, NC

\$17,758.00

\*Awarded based on: ☒ Low Bid    \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	190		# Black Males	18	09%
Total # Females	62	33%	# White Males	102	54%
Total # Males	128	67%	# Other Males	8	04%
			# Black Females	6	03%
			# White Females	55	29%
			# Other Females	1	01%

The SDBE Data Base was used in the solicitation of bids for this item.

6.     **Bid:**           **Four (4) Sport Utility Vehicles**

Purpose of Bid:       To provide several departments with Sport Utility Vehicles

Comments:           4 vehicles @ \$19,105 each

Opened:             April 1, 2008

Bidders:	University Ford	* \$76,420.00
	Durham, NC	
	Vic Bailey Ford	\$87,472.00
	Spartanburg, SC	

\*Awarded based on: ☒ Low Bid    \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	201		# Black Males	19	09%
Total # Females	26	13%	# White Males	153	76%
Total # Males	175	87%	# Other Males	3	02%
			# Black Females	2	01%
			# White Females	24	12%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

7.     **Bid:**           **Two (2) Cab Mounted Material Handling Knuckle Boom Loaders**

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Purpose of Bid: To provide the Solid Waste Management Department with Material Handling Knuckle Boom Loaders

Comments: Two @ \$41,874.00 each.

Opened: April 3, 2008

Bidders:	Amick Equipment Company, Inc.	* \$83,748.00
	Lexington, SC	
	Allwaste Services, Inc.	\$86,232.00
	Lexington, SC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	20		# Black Males	0	0%
Total # Females	4	20%	# White Males	16	80%
Total # Males	16	80%	# Other Males	0	0%
			# Black Females	1	05%
			# White Females	3	15%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

**8. Bid: Rescue Boat and Trailer**

Purpose of Bid: To provide the Fire Department with a rescue boat and trailer

Comments:

Opened: April 7, 2008

Bidders:	Rescue One	* \$29,090.00
	Huntsville, AL	
	Kentuckiana Yacht Sales, Inc.	\$30,200.00
	Jefferson, IN	
	Rescue Specialities LLC	\$30,858.00
	Vestal, NY	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

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WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	5		# Black Males	0	0%
Total # Females	1	20%	# White Males	4	80%
Total # Males	4	80%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	20%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

**9. Bid: One (1) Police Patrol Vehicle**

Purpose of Bid: To provide the Police Department with a patrol vehicle

Comments:

Opened: April 11, 2008

Bidders:	Vic Bailey Ford	* \$21,171.00
	Spartanburg, SC	
	University Ford	\$21,641.00
	Durham, NC	

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	80		# Black Males	9	11%
Total # Females	15	19%	# White Males	56	70%
Total # Males	65	81%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	15	19%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

**10. Bid: Wheelchair Accessible Van**

Purpose of Bid: To provide the Parks & Recreation Department with a wheelchair accessible van

Comments:

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Opened: April 11, 2008

Bidders:	Van Products	* \$38,999.00
	Raleigh, NC	
	Mobility Works	\$39,660.50
	Akron, OH	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	26		# Black Males	3	12%
Total # Females	6	23%	# White Males	17	65%
Total # Males	20	77%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	6	23%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

**11. Bid: EMC Clarion Parts**

Purpose of Bid: To purchase parts to upgrade the City's SAN

Comments:

Opened: April 11, 2008

Bidders:	CDW Government	* \$68,320.00
	Vernon Hills, IL	
	Dell Marketing LP	\$77,688.00
	Round Rock, TX	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	4,796		# Black Males	253	04%
Total # Females	1,399	35%	# White Males	2,477	51%
Total # Males	3,397	65%	# Other Males	667	15%
			# Black Females	157	05%
			# White Females	956	20%
			# Other Females	286	10%

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The SDBE Data Base was used in the solicitation of bids for this item.

**12. Bid: 5.5 Cubic Yard Scraper Pan**

Purpose of Bid: To provide the Water & Sewer Maintenance Division with a scraper pan

Comments:

Opened: April 14, 2008

Bidders:	Holder & Sons, Inc.	* \$11,900.00
	Durham, NC	
	Clapp Brothers Implement & Tractor Co.	\$12,900.00
	Siler City, NC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	3		# Black Males	0	0%
Total # Females	0	0%	# White Males	3	100%
Total # Males	3	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

**13. Bid: One (1) 8 X 8 Off Road Utility Vehicle**

Purpose of Bid: To purchase and off road utility vehicle for the Water & Sewer Maintenance Division

Comments:

Opened: April 15, 2008

Bidders:	Bost Tune-Up & Argo ATV Sales LLC	* \$20,991.58
	Rockwell, NC	
	William T. Barnes Argo Sales	\$22,081.00
	Cambridge, MD	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

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WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	4		# Black Males	0	0%
Total # Females	1	25%	# White Males	3	75%
Total # Males	3	75%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	25%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

**14. Bid: One (1) 4 X 4 Regular Cab Pickup Truck**

Purpose of Bid: To provide the Water & Sewer Maintenance Division with a pickup truck

Comments:

Opened: April 17, 2008

Bidders:	University Ford	* \$17,214.00
	Durham, NC	
	Vic Bailey Ford	\$17,638.00
	Spartanburg, SC	

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	201		# Black Males	19	9%
Total # Females	26	13%	# White Males	153	76%
Total # Males	175	87%	# Other Males	3	2%
			# Black Females	2	1%
			# White Females	24	12%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

**15. Bid: One (1) 4 X 4 Extended Cab Pickup Truck**

Purpose of Bid: To provide the Urban Forestry Division with a pickup truck

Comments:

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Opened: April 17, 2008

Bidders: University Ford \* \$19,300.00  
Durham, NC  
Vic Bailey Ford \$19,612.00  
Spartanburg, SC

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	201		# Black Males	19	9%
Total # Females	26	13%	# White Males	153	76%
Total # Males	175	87%	# Other Males	3	2%
			# Black Females	2	1%
			# White Females	24	12%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

**16. Bid: One (1) 4 X 4 Crew Cab Pickup Truck**

Purpose of Bid: To provide the Water & Sewer Maintenance Division with a pickup truck

Comments:

Opened: April 17, 2008

Bidders: University Ford \* \$22,200.00  
Durham, NC  
Vic Bailey Ford \$22,407.00  
Spartanburg, SC

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	201		# Black Males	19	9%
Total # Females	26	13%	# White Males	153	76%
Total # Males	175	87%	# Other Males	3	2%
			# Black Females	2	1%
			# White Females	24	12%
			# Other Females	0	0%

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The SDBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

**SUBJECT: ANNUAL REPORT - DESIGN DISTRICT REVIEW TEAM**

**MOTION** by Council Member Ali seconded by Council Member Clement to receive the 2007 Annual Report of the Design Review Team was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: STREET CLOSING - A 302.35 LINEAR FOOT UNNAMED RIGHT-OF-WAY BETWEEN IREDELL STREET AND BROAD STREET (SC07-16)**

**MOTION** by Council Member Ali seconded by Council Member Clement to adopt a Resolution to set a public hearing on the proposed closing of a 302.35 linear foot unnamed right-of-way between Iredell Street and Broad Street for August 4, 2008 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Resolution #9574**

**SUBJECT: MAJOR SITE PLAN – AVON TOWNES (D06-982)**

**MOTION** by Council Member Ali seconded by Council Member Clement to approve a major site plan for “Avon Townes,” submitted by Tony M. Tate Landscape Architecture, P. A. on behalf of Perimeter Developers, LLC, for 144 apartment units with 305 parking spaces on an 18.39 acre site, zoned Planned Development Residential-10.000 (PDR-10.000) was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN – SOUTHPOINT PROFESSIONAL CENTER PHASE II (D06-971)**

**MOTION** by Council Member Ali seconded by Council Member Clement to approve a major site plan for “Southpoint Professional Center Phase II,” submitted by Coulter Jewell Thames, P.A. on behalf of Crooked Creek Development LLC, for a 64,500 square foot three-story office building with 182 motor vehicle parking spaces on a 5.3 acre site zoned Office Institutional (OI(D)) and Falls/Jordan Protected Area (F/J-B) watershed overlay--the property is located at 253 NC 54 Highway, on the south side of Crooked Creek Parkway, east of Fayetteville Road,



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west of Windcrest Road, and north of NC 54 Highway, PIN 0728-01-16-0792 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: AMENDMENT TO THE HOME CHDO GRANT AGREEMENTS  
BETWEEN DURHAM COMMUNITY LAND TRUSTEES, INC. AND THE  
CITY OF DURHAM FOR SUPPORT OF A CONSTRUCTION MANAGER  
AND SITE ACQUISITION AND DEMOLITION ACTIVITIES**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute an Amendment to the existing HOME CHDO Grant Agreement for Acquisition and Demolition to extend the term from April 15, 2008 to October 15, 2008; and

To authorize the City Manager to execute an Amendment to the existing HOME CHDO Operating Agreement for Support of a Construction Manager to extend the term from April 15, 2008 to October 15, 2008 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: CDBG PERMANENT LOAN AGREEMENT WITH SELF HELP CREDIT  
UNION AND THE CITY OF DURHAM**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the expenditure of up to \$100,000.00 additional funds from CDBG Program Income;

To authorize the City Manager to execute a Permanent Loan Agreement and associated legal documents with Self Help Credit Union for additional funding in an amount not to exceed \$100,000.00; and

To authorize the City Manager to modify the agreement and other related documents before execution, provided that the modifications do not increase the dollar amount of the agreement and do not lessen the obligations of the contractor was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: AMENDMENT TO THE ANDOVER APARTMENTS I  
CONSTRUCTION/PERMANENT LOAN AGREEMENT BETWEEN  
HOUSING FOR NEW HOPE (FORMERLY NEW DIRECTIONS FOR  
DOWNTOWN, INC.), AND THE CITY OF DURHAM**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute an Amendment to the existing Agreement with Housing for New Hope, Inc. to change the Eligible Tenants income limits to 30% of Area Median Income was approved at

**June 16, 2008**

7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: AMENDMENT TO THE ANDOVER APARTMENTS II  
CONSTRUCTION/PERMANENT LOAN AGREEMENT BETWEEN  
HOUSING FOR NEW HOPE (FORMERLY NEW DIRECTIONS FOR  
DOWNTOWN, INC.), AND THE CITY OF DURHAM**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute an Amendment to the existing Agreement with Housing for New Hope, Inc. to change the Eligible Tenants income limits to 30% of Area Median Income was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: AMENDMENT TO THE HOME CHDO GRANT AGREEMENT  
BETWEEN REBUILD DURHAM, INC., AND THE CITY OF DURHAM  
FOR THE PURCHASE AND REHABILITATION OF FIVE (5)  
RESIDENTIAL UNITS TO RENT TO LOW-MODERATE INCOME  
FAMILIES**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute an Amendment to the existing HOME CHDO Grant Agreement for Acquisition and Rehabilitation to extend the term from June 30, 2008 to December 31, 2008 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: AMENDMENT TO CONTRACT #1738 COUNTY OF DURHAM,  
DURHAM CENTER**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute an Amendment to the existing HOME contract with the Durham Center to extend the term from March 31, 2008 to November 31, 2008 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: ADOPTION OF U.S. DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT (HUD) ECONOMIC DEVELOPMENT INITIATIVE  
(EDI) – SPECIAL PROJECTS FY 2001 GRANT PROJECT ORDINANCE  
SUPERSEDING PROJECT ORDINANCE NO. 12026**

**June 16, 2008**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to accept the U.S. Department of Housing and Urban Development Economic Development Initiative (EDI) Special Projects FY 2001 Grant by executing the grant documents; and

To adopt the U.S. Department of Housing and Urban Development Economic Development Initiative (EDI) Special Projects FY 2001 Grant Project Ordinance Superseding Ordinance No. 12026 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13631**

**SUBJECT: LIABILITY CLAIMS ADJUSTING SERVICE CONTRACT EXTENSION  
- INTER-LOCAL RISK FINANCING FUND OF NORTH CAROLINA -  
NORTH CAROLINA LEAGUE OF MUNICIPALITIES**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to negotiate and execute an extension of the current contract with the Inter-local Risk Financing Fund of North Carolina for liability claims adjusting services to be performed by the North Carolina League of Municipalities; and

To authorize the City Manager to modify the terms of the proposed contract amendment prior to execution provided that the modifications are consistent with the intent and purposes of the original contract was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: MUTUAL AID AGREEMENT WITH NORTH CHATHAM FIRE  
DEPARTMENT**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to enter into a Mutual Aid Agreement with the North Chatham Fire Department was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: SUPPLEMENTAL FIRE PROTECTION CONTRACT RENEWAL FOR  
THE PARKWOOD FIRE DEPARTMENT**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute a renewal amendment to the contract with the Parkwood Volunteer Fire Department to provide Supplemental Fire Protection to the Parkwood 97 Annexation Area; and

**June 16, 2008**

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: ADDENDUM AND EXTENSION OF SETTLEMENT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF DURHAM, NORTH CAROLINA UNDER THE AMERICANS WITH DISABILITIES ACT IN DJ# 204-54M-63**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute an addendum and extension to the Settlement Agreement effective on September 26, 2005 between the United States of America and the City of Durham, North Carolina Under the Americans with Disabilities Act in DJ# 204-54M-63; and

To authorize the City Manager to make changes to the Addendum and Extension provided such changes do not materially affect the intent and purpose of the Settlement Agreement was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: DONATION OF VACANT PARCELS 1300 GROVE STREET - PARCEL 110935, 1400 AND 1402 CLARENDON STREET – PARCELS 100979 AND 110978 - THOMAS M. OWEN AND PATRICIA F. OWEN - R & K REAL ESTATE GROUP, LLC**

**MOTION** by Council Member Ali seconded by Council Member Clement to accept the following donations subject to receipt of a favorable Phase I Environmental Report, property conveyed by a General Warranty Deed, and clear title to each property identified as (1) Parcel ID # 110935, (1300 Grove Street) from Thomas M. Owen and Patricia F. Owen; Parcel ID # 100979, (1400 Clarendon Street) and Parcel ID # 100978, (1402 Clarendon Street) from R & K Real Estate Group, LLC; and

To authorize payment for Phase I Environmental Assessment Reports and other related closing expenses was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: WALLTOWN PARK RECREATION CENTER CMAR CONSTRUCTION SERVICES AMENDMENT #2 - SKANSKA USA BUILDING**

**June 16, 2008**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to negotiate and execute an Amendment No. 2- with Skanska USA Building for construction for the Walltown Park Recreation Center project if the final Guaranteed Maximum Price does not exceed \$5,588,518.00;

To establish a project contingency equal to the difference between \$6,930,375.00 which is the full amount budgeted for construction phase services, and the final GMP; and

To authorize the City Manager to negotiate and execute change orders on the Old Walltown Park Recreation Center project provided the total project cost does not exceed the amount budgeted for construction phase services plus the project contingency was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Catotti, Clement and Woodard. Noes: Council Member Brown. Absent: None.

**SUBJECT: PROPOSED SALE OF HOUSE LOCATED AT 1018 BURCH AVENUE BY PRIVATE SALE TO DURHAM COMMUNITY LAND TRUSTEES, INC.**

**MOTION** by Council Member Ali seconded by Council Member Clement to declare the house at 1018 Burch Avenue surplus;

To adopt a Resolution authorizing the private sale of the house at 1018 Burch Avenue to Durham Community Land Trustees, Inc. for \$31,435.00 under G. S. 160A-279; and

To authorize the City Manager to sell and the Mayor to convey the house with a non-warranty deed was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Resolution #9575**

**SUBJECT: CONTRACT AND INTERLOCAL AGREEMENT FOR DOMESTIC VIOLENCE COURT ADA POSITION - COUNTY OF DURHAM**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute an interlocal agreement and a contract between the City of Durham and the County of Durham under which \$31,500.00 will be reimbursed to the County to fund a portion of the salary and benefits for one (1) Asst. District Attorney position for the 14th Judicial District to prosecute domestic violence cases for the period of July 1, 2008 through June 30, 2009; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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**SUBJECT: CONTRACT FOR DOMESTIC VIOLENCE PROJECT AND  
COMMUNITY LIFE COURT - ADMINISTRATIVE OFFICE OF THE  
COURTS (AOC)**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute a contract between the City of Durham and the Administrative Office of the Courts (AOC) under which the AOC will expend City funds to continue to support salary and benefits for a judge to hear domestic violence cases in the community and a victim legal assistant in the amount of \$122,800.00; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: 2008-09 BENEFITS RECOMMENDATION**

**MOTION** by Council Member Ali seconded by Council Member Clement to approve the 2008-09 Employee Benefits Program for plan year September 1, 2008 through August 31, 2009 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: APPROVAL OF THE GRANT AWARD FOR DURHAM YOUTH  
COUNCIL TO REFURBISH LAWNS TO SENIORS IN NEED**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to accept the North Carolina State Youth Advisory Council Mini-Grant by executing the grant documents; and

To adopt the North Carolina State Youth Advisory Council Mini-Grant Ordinance in the amount of \$500.00 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13656**

**SUBJECT: LEASE AGREEMENT FOR THE POLICE DEPARTMENT DISTRICT #3  
SUBSTATION - DURHAM SHOPPING CENTER, LLC**

**June 16, 2008**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute a three-year lease agreement with Durham Shopping Center, LLC for Police Department District #3 Substation in the total amount of \$137,200.00; and

To authorize the City Manager to make changes to the lease prior to execution provided such changes do not change the intent of the agenda memo or increase the monthly rental expenses was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: LEASE AGREEMENT FOR THE POLICE DEPARTMENT DISTRICT #2 SUBSTATION - MAJAJA, INC.**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute a eight-year lease agreement with Majaja, Inc. for Police Department District #2 Substation in the total amount of \$842,832.00; and

To authorize the City Manager to make changes provided such changes do not increase the rental rate or change the substance of the lease agreement was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: NC DEPARTMENT OF TRANSPORTATION UTILITY AGREEMENT B-4109 – RELOCATION OF WATER AND SEWER LINES – ROAD**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute a utility agreement with the NCDOT for the relocation of water and sewer lines along Road in the vicinity of the Mud Creek Bridge;

To authorize the expenditure of \$98,030.00 from the Water Extensions and Improvements Account;

To establish a contingency fund in the amount of \$19,606.00 (20%);

To authorize the expenditure of \$109,400.00 from the Sewer Extensions and Improvements Account; and

To establish a contingency fund in the amount of \$21,880.00 (20%) for the relocation of these utilities; and

To authorize the City Manager to expend contingency funds associated with this project if necessary to complete the project was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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**SUBJECT: CART RENTAL, DELIVERY, REPAIR AND MAINTENANCE SERVICES - OTTO CONTAINER MANAGEMENT, LLC**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute a contract between the City of Durham and Otto Container Management, LLC, to provide cart rental, delivery, repair, and maintenance services for a period of five years effective July 1, 2008 and ending June 30, 2013; and

To authorize the City Manager to modify the contract prior to execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: E-MAIL MANAGEMENT AND ARCHIVAL SOLUTION - CDW-G AND EMC**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to purchase an e-mail management and archival solution through CDW-G and EMC in the amount of \$110,940; and

To authorize the City Manager to modify the proposed solution before execution provided that modifications do not increase the dollar amount and the modifications are consistent with the general intent of the existing version of the proposed solution was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: LANDFILL GAS UTILIZATION, COOPERATION AND ROYALTY AGREEMENT BETWEEN THE CITY OF DURHAM AND MP DURHAM, LLC**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute the Landfill Gas Utilization Cooperation and Royalty Agreement with MP Durham, LLC; and

To authorize the City Manager to modify the contract before execution provided the modifications are consistent with the general intent of the version of the contract approved by City Council was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.



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**SUBJECT: AGREEMENT BETWEEN CARY AND DURHAM ESTABLISHING  
CONDITIONS FOR THE PURCHASE OF WATER - AMENDMENT NO.  
1**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute Amendment No. 1 to the Agreement between Cary and Durham establishing Conditions for the Purchase of Water; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: CONTRACT SR-39, CHEMICAL CONTROL OF SANITARY SEWER  
ROOT INTRUSION - DUKE'S ROOT CONTROL, INC**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute a contract with Duke's Root Control, Inc for SR-39, Chemical Control of Sanitary Sewer Root Intrusion services for a cost not to exceed \$345,543.48; and

To authorize the City Manager to make changes to the Contract provided the changes do not increase the amount to be paid by the City and do not decrease the goods and services provided to the City was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: NEW ELEVATED STORAGE TANK ENGINEERING DESIGN  
SERVICES CONTRACT - KIMLEY-HORN & ASSOCIATES**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to negotiate a contract with Kimley-Horn & Associates for the New Elevated Storage Tank Engineering Design for a cost not to exceed \$441,100.00;

To establish a contingency fund for the contract of \$70,000.00;

To authorize the City Manager to negotiate change orders for the contract provided that the cost of all change orders does not exceed \$70,000.00 and the total project cost does not exceed \$511,100.00; and

To authorize the City Manager to make changes to the contract provided the changes do not increase the amount to be paid by the City and do not decrease the goods and services to be provided to the City was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor

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Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard.  
Noes: None. Absent: None.

**SUBJECT: SANITARY SEWER FLOW MONITORING NETWORK  
IMPROVEMENTS CONTRACT AMENDMENT – ADS  
ENVIRONMENTAL SERVICES**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute a contract amendment with ADS Environmental Services, Inc. for the Sanitary Sewer Flow Monitoring Network Improvements Contract in an amount of \$7,768.32 for a total project cost not to exceed \$833,484.32; and

To authorize the City Manager to make changes to the contract before execution provided the changes do not increase the amount to be paid by the City and do not decrease the goods and services to be provided to the City was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: DURHAM ATHLETIC PARK RENOVATION PROJECT  
CONSTRUCTION AGREEMENTS - RENAISSANCE DOWNTOWN  
DURHAM - D'AGOSTINO IZZO QUIRK ARCHITECTS, INC. - S&ME,  
INC. - SKANSKA USA BUILDING, INC.**

**MOTION** by Council Member Ali seconded by Council Member Clement to accept cash donation from Renaissance Downtown Durham in an amount up to \$28,000.00 for the purchase and installation of 395 seats for the Durham Athletic Park;

To authorize the City Manager to execute a contract amendment to the Professional Services Agreement for Durham Athletic Park Renovation Project with D'Agostino Izzo Quirk Architects, Inc. in the amount of \$94,200.00 so that the total contract amount will not exceed \$421,318.00;

To authorize the City Manager to make changes to the contract before executing it if the changes do not increase the fee to be paid by the City and do not decrease the goods and services to be provided to the City;

To authorize the City Manager to execute a contract amendment to the Contract for Consulting Engineering Services for the Durham Athletic Park with S&ME, Inc. in an amount not to exceed \$55,100.00 so that the total contract amount will not exceed \$85,000.00;

To authorize the City Manager to make changes to the contract before executing it if the changes do not increase the fee to be paid by the City and do not decrease the goods and services to be provided to the City;

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To authorize the City Manager to execute an Amendment No. 1A to the Construction Manager at Risk Preconstruction Services Agreement with Skanska USA Building, Inc. in the amount of \$34,800.00 so that the total contract amount will not exceed \$64,800.00;

To authorize the City Manager to make changes to the contract before executing it if the changes do not increase the fee to be paid by the City and do not decrease the goods and services to be provided to the City;

To authorize the City Manager to negotiate and execute an Amendment No. 2- with Skanska USA Building, Inc. for construction of the Durham Athletic Park Renovation Project if the Guaranteed Maximum Price (GMP) does not exceed \$5,182,726.00;

To establish a project contingency equal to the difference between \$5,507,726.00 which is the full amount budgeted for construction phase services and the final GMP;

To authorize the City Manager to negotiate and execute change orders or contract amendments on the Construction Manager at Risk Agreement with Skanska USA Building, Inc. or the Professional Services agreement with D'Agostino Izzo Quirk Architects, Inc. or the Contract for Consulting Engineering Services with S&ME, Inc. for the Durham Athletic Park Renovation Project, provided the aggregate dollar value of the change orders and contract amendments does not exceed the amount established for the project contingency was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: DUKE SAVE-A-WATT PROPOSAL**

**MOTION** by Council Member Ali seconded by Council Member Clement to adopt a resolution of the City Council of the City of Durham on Duke Energy's Save-A-Watt Proposal; and

To authorize the City Manager and City Attorney to participate in the Save-A-Watt docket and other energy efficiency dockets before the North Carolina Utilities Commission in order to oppose the Save-a-Watt program as now proposed, and to seek comprehensive, coherent and cost-effective energy efficiency programs which save energy and reduce greenhouse gas emissions, and which are fairly funded by electricity and gas customers in proportion to their energy use was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Resolution #9576**

**SUBJECT: CHANGE IN FREQUENCY OF VOLUNTARY ANNEXATIONS**

**MOTION** by Council Member Ali seconded by Council Member Clement to direct the City Manager to change the frequency of presentation to City Council of ordinary voluntary annexation petitions from twice annually, with June 30<sup>th</sup> and December 31<sup>st</sup> target effective

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dates, to four times annually with June 30<sup>th</sup>, December 31<sup>st</sup>, March 31<sup>st</sup> and September 30<sup>th</sup> target effective dates was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: RESOLUTION MEMORIALIZING SOUTHGATE JONES, JR.**

**MOTION** by Council Member Ali seconded by Council Member Clement to adopt a Resolution Memorializing Southgate Jones, Jr. was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Resolution #9577**

**SUBJECT: CONSTRUCTION AGREEMENT-BIRCHWOOD HEIGHTS  
COMMUNITY CENTER - BLUE RIDGE ENTERPRISES, INC.**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute a cooperation agreement with the Birchwood Heights Homeowners' Association for the operation of the Birchwood Heights Community Center;

To authorize the expenditure of \$270,000.00 in Capital Improvement Project general funds;

To authorize the City Manager to execute a construction agreement with Blue Ridge Enterprises, Inc. in the amount of \$248,000.00 for the renovation of the Birchwood Heights Community Center and to establish a project contingency in the amount of \$22,000.00 to execute change orders to the construction contract such that the total contract amount shall not exceed \$270,000.00; and

To authorize the City Manager to make changes to the agreements prior to execution so long as the changes are consistent with the intent of the version of the contracts attached to the Council's agenda item was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: ENCROACHMENT AGREEMENT WITH CSX TRANSPORTATION,  
INC., FOR A 16" WATERMAIN CROSSING ALONG ALSTON AVENUE  
FOR THE CARY INTERCONNECTION PROJECT**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute an Encroachment Agreement with CSX Transportation, Inc., for a 16" bored waterline crossing on Alston Avenue; and

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To authorize the City Manager to modify the agreement and other related documents before execution provided that the modifications do not increase the dollar amount of the agreement and do not lessen the obligations of the contractor was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

*The City Council disposed of the following agenda items at the June 5, 2008 Work Session:*

**19. Rolling Hills Status Report**

To receive this status report on acquisition/relocation efforts within Rolling Hills and planning for the Rolling Hills/Southside Redevelopment project.

*(A report was received at the 6/5/08 Work Session)*

**22. Proposed Sale of Property at 1407 Taylor Street Pin# 0831-14-45-7026, 516-C Eastway Avenue Pin# 0831-10-45-6470, 520-C Eastway Avenue Pin# 0831-10-45-6575, 520-A Eastway Avenue Pin# 0831-10-45-4586**

To determine the properties at 1407 Taylor Street, 516-C Eastway Avenue, 520-C Eastway Avenue and 520-A Eastway Avenue to be surplus;

To authorize the sale of the property under the authority of Section 86 of the City Charter; To accept the offer to purchase for the properties located at 1407 Taylor Street, 516-C Eastway Avenue, 520-C Eastway Avenue and 520-A Eastway Avenue;

To authorize the City Manager to sell and the Mayor to convey the properties by a non-warranty deed; and

To authorize the City Manager to terminate these contracts for sale if the contract terms are not fulfilled.

*(This item was approved at the 6/5/08 Work Session)*

**52. Duke Campus Alert Sirens**

To receive a presentation on Duke Campus Alert Sirens.

*(A presentation was received at the 6/5/08 Work Session)*

**53. Holton School Renovation Project**

To receive a presentation on the Holton School renovation project.

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*(A presentation was received at the 6/5/08 Work Session)*

**60. The Life House Learning Center**

To receive comments from Terrence Hamer regarding the use of vacant city property.

*(Comments were received at the 6/5/08 Work Session)*

**61. Ashley Forest Homeowners**

To receive comments from Mac McCarson regarding the flooding danger in their community.

*(Comments were received at the 6/5/08 Work Session)*

**62. Duke Park Neighborhood Association**

To receive comments from Barry Ragin regarding Duke Park.

*(Comments were received at the 6/5/08 Work Session)*

**63. CrimeStoppers**

To receive comments from Marty Walkowe regarding a Summary of 2007-08 Accomplishments.

*(Comments were received at the 6/5/08 Work Session)*

**64. Boomer Diva Nation, LLC**

To receive comments from Beverly Mahone-Gibbs regarding support of Women's Event.

*(Comments were received at the 6/5/08 Work Session)*

**65. Eno River Rugby Football Club**

To receive comments from Jana Shannon requesting permission to serve beer at the CCB Plaza Events during the summer of 2008; and

To permit Eno River Rugby Football Club to serve beer at the CCB Plaza Events during the summer of 2008.

*(Citizen did not appear at the 6/5/08 Work Session – per Citizen's request)*

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**68. Resolution Supporting the Congestion Relief/Intermodal Transportation 21<sup>st</sup> Century Fund**

To adopt a Resolution Supporting the Congestion Relief/Intermodal Transportation 21<sup>st</sup> Century Fund.

*(This item was approved at the 6/5/08 Work Session)*

**71. Energy Efficiency Incentive Legislation – House Bill 2134**

To receive a report on the Energy Efficient Incentive Legislation House Bill 2134 and to seek legislative delegation support on adding the City of Durham to this pending legislation.

*(This item was approved at the 6/5/08 Work Session)*

**72. Resolution to Improve Schools and Government Services by Fostering a Better Partnership with Public Employees through Collective Bargaining**

**To adopt a Resolution to Improve Schools and Government Services by Fostering a Better Partnership with Public Employees through Collective Bargaining.**

*(This item was approved at the 6/5/08 Work Session)*

**[ITEM PULLED FROM CONSENT AGENDA]**

**SUBJECT: PARKING SYSTEMS MANAGEMENT SERVICES CONTRACT - LANIER PARKING SYSTEMS**

Mayor Bell stated his concerns have been put to rest since he received a memo from Lanier Parking Systems [M. Scott Digs] and Monarch Services [Meredythe Holmes] that employees presently working in the system under the present contractor will receive the same health benefits they are presently receiving now or better. He stated he would like to see this rule implemented that employees receive comparable health benefits when the City is entering into contracts with outside agencies. In addition, the Mayor asked staff to verify what is being proposed before the contract is executed.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to execute a three year contract with Lanier Parking Systems of North Carolina, Inc. to provide professional parking system management services and to be compensated in the amount of \$3,328,061, plus additional fees for special events parking estimated to be \$25,000.00 over the term of the contract, starting July 21, 2008; and

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To authorize the City Manager to make changes to the contract before executing it if the changes do not increase the dollar amount of the contract and do not decrease the services provided was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**[GENERAL BUSINESS AGENDA]**

**SUBJECT: FISCAL YEAR FY 2008-2009 CITY OF DURHAM BUDGET MATTERS  
AND CAPITAL IMPROVEMENT PLAN**

City Manager Baker stated based on the direction received from the council on June 9<sup>th</sup>, staff was asked to prepare the budget and CIP Plan with a tax rate of \$.05457 cents which is a part of the packet. He said although the tax rate remains the same, the only change he wanted to highlight is that after the June 9<sup>th</sup> budget deliberation meeting they had a meeting regarding warrant control with the county and \$250,000 is included in this budget to provide for the city's portion of a new warrant control program that is being developed. He stated the remainder of the budget particularly the pay and class study and the fuel set-a-side of \$1,000,000 remains the same in the budget.

Mayor Bell spoke in support of a tax rate of 54 cents or less. He stated he has had discussions with the manager and his administration asking them to provide information regarding the undesignated fund balance in terms of the history of what it had been over the past five years or so. The Mayor stated the budget being proposed by the administration which includes the tax rate above the 54 cents recommends an undesignated fund balance of 12 percent. He referenced the times when the council has set budgets when there been less than 12 percent in the undesignated fund balance, and it has been on three different occasions. Also he mentioned the times when the fund balance exceeded the amount appropriated in the budget. Mayor Bell recommended that the council fund the undesignated fund balance in an amount less than 12 percent which will allow a 54 cents property tax rate.

Mayor Pro Tempore Cole-McFadden spoke in support of the Mayor's recommendation and stated in the course of the fiscal year there will be savings that could go back to the undesignated fund balance.

Council Member Clement spoke in support of the Mayor's recommendation on reducing the undesignated fund balance to achieve a property tax rate of 54 cents which would be reasonable and less burdensome on the taxpayers.

Council Member Catotti stated she shared the concern regarding the property tax burden, but felt the council could achieve positive results in another way. Council Member Catotti stated it was not good fiscal management having less than 12 percent in the fund balance. She stated it was not a good practice to use your savings for current costs.



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Council Member Ali questioned the undesignated fund balance actuals provided by the administration for FY 2006 and FY 2007.

Budget Director Bertha Johnson replied during FY 2006 the reason for the 16.23 percent fund balance - that was the year the new accounting system was implemented and a lot of purchase orders and encumbrances were cleaned up - then the money was used in the following year to balance the budget. Regarding the 12.9 percent fund balance in FY 2007, she stated reviewing the revenues vs. expenditures during the year determines the increase or decrease in fund balance.

For clarification, Council Member Ali stated for the past six years, the city has exceeded its fund balance requirement except for year five.

Budget Director Bertha Johnson replied that is correct because the revenues were stronger than predicted or when departments have unspent funds in their budgets at the end of the year. Ms. Johnson reminded the council that to balance the upcoming budget, there was a one percent across the board cut for departments.

Council Member Ali asked what if the council chose to change the fund balance designation amount to 11.5 percent, [it does not mean that the city would not have an undesignated fund balance actual amount of 12 percent at the end of the year].

Budget Director Bertha Johnson replied that is correct, it is a projection based on the city's revenue projections and expenditures. Also, Ms. Johnson commented on what the excess in the fund balance has been used for in the last two years - [when the state shared revenues were cut and fund balance was used to balance the budget] .

Council Member Ali stated having a fund balance of less than 12 percent does not mean the city is not fiscally responsible, but having a fund balance of less than 12 percent and identifying how the money will be used in the business model would make sense. He stated in the past if the fund balance excess has been used to balance the budget in the future, there is a way it can be used to help balance the budget today.

Budget Director Bertha Johnson replied that is correct.

Council Member Brown spoke in opposition to reducing the fund balance below 12 percent due to economy uncertainties or city emergencies. He stated there were too many uncertainties existing for the citizens and the city to think about cutting the fund balance [pending lawsuits; increasing foreclosure rate in Durham]. He referenced the County of Durham's fund balance being between 14 and 15 percent this year. Council Member Brown stated \$1,000,000 was set-aside last fiscal year for planning/designing a swimming pool at Walltown. He stated this was a pool this council has yet to agree upon to be built and the \$1,000,000 is in pay as you go money. Council Member Brown stated this money can be used to save \$1,000,000 and thus reduce the tax rate for this year.

Mayor Pro Tempore Cole-McFadden asked how was the youth office affected by the 1% cut.

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City Manager Baker stated his department was one of the departments targeted for a 1% across the board cut. He stated departments involved in the reduction, understand they do not want the cuts to be in services but typically each of the large departments have lapse salaries and this should cover the 1% across the board cut without cutting any services. City Manager Baker stated given the total of the city manager's budget he did not anticipate there being an issue at all for them being able to deliver the required services for the youth office.

Speaking to Council Member Brown's recommendation regarding the Walltown pool, Mayor Bell stated the council needs to tell the public whether or not it wants to work toward getting a swimming pool at Walltown. The Mayor stated if the majority of the council does not want the swimming pool then he would agree it does not make sense in spending planning money for it. He stated if the swimming pool is not wanted, then the council needs to vote and say that – then there will be no need to discuss retaining the \$1,000,000 for planning purposes. Mayor Bell stated if a majority of the council wanted to build the swimming pool, then there needs to be plans for it due to escalating costs.

Council Member Catotti stated the council needed to have a broader discussion on the design of the Walltown pool. She stated there is no money in the CIP for actual construction and she was willing to defer the design money [\$1,000,000] for one year which would not be delaying anything at this point. Council Member Catotti referenced the positive vote for Consent Item 33 [authorizing the funding for Walltown Park Recreation Center CMAR Construction Amendment]. She stated the question is about a pool - an unfunded item.

Mayor Bell stated to reduce the tax rate to 54 cents, the council needed to find \$1.5 million. The Mayor stated his recommendation is to reduce the undesignated fund balance by less than 12 percent. He stated another suggestion by Council Member Brown is to take away the \$1,000,000 for the design of the Walltown pool and still you would need to find an additional \$500,000.

Council Member Clement stated by reducing the fund balance by 1 percent will in no way endanger the city's AAA bond rating. He stated the City of Durham is one of 19 cities in the United States that adheres to a triple bond rating and the council takes great pride and pleasure in supporting that.

Council Member Woodard stated building the Walltown Recreation Center is something that has been delayed for more than a half century and said it is right to build a recreation center in Walltown. He stated the question tonight is – do we spend \$1,000,000 planning for something that the council hasn't had full conversation about or do we delay and have the full dialogue. Council Member Woodard stated the undesignated fund balance is the city's savings account which is a reflection of the city's financial health. He referenced the fund balance being needed to assist with city emergencies; for example the 2002 ice storm and the fund balance made it possible for the city to clean up from that event without a detrimental affect on either the current or the next year's general fund budget. He stated the decision to change the fund balance is an important policy decision and it requires careful analysis and discussion by the council. Also, Council Member Woodard referenced the many hours of listening to the citizens and the administration of what the priorities are.

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A motion was made by Council Member Woodard to adopt the City of Durham Budget Ordinance for FY 2008-2009 [Option 1 as presented by the City Manager – tax rate \$0.5457] including items a; b; c; d; e; f; and g] as printed on the agenda. This motion was seconded by Council Member Catotti.

Budget Director Bertha Johnson explained the two options listed on the agenda: Option 1 would be to adopt the budget as recommended on Monday, June 9, 2008 - Option 2 would be to use fund balance to balance the budget which would include the \$1.2 million and the additional \$250,000 for the warrant control program initiative with a tax rate of 54 cents.

Mayor Bell stated at the June 9<sup>th</sup> meeting, no one on the council said anything about the priorities including Walltown, because the majority was ready to support a higher tax rate.

Council Member Woodard stated if it was a priority to cut the fund balance that should have been talked about before last Monday. He noted the majority vote on June 9<sup>th</sup> included keeping the fund balance at 12 percent and included the design for the Walltown pool. Also, he raised concern that the reduction in the fund balance might have a negative impact on the city's AAA bond rating.

Mayor Bell stated a reduction in the fund balance would not harm the city's AAA rating. He stated the rating companies review a lot more than what the fund balance is. The Mayor stated he was concerned with what the citizens of Durham would have to pay for property taxes.

Council Member Ali asked what are the factors that go into making a determination for a AAA bond rating.

Interim Finance Director Keith Hermann spoke on the city's resolution referencing a target of 15 percent undesignated fund balance, but no less than 12. Also, he stated that Durham has maintained the AAA rating for eight years, he referenced comments from the two rating agencies when the fund balance was reduced in 2002 and 2003 and outlined the four factors used to determine maintaining a AAA bond rating.

Council Member Catotti commented that the remarks made by Finance Director are serious and regarding debit service she felt the city was maxing out. She stated the Interim Tax Assessor has noted that tax collection rates are falling because of the foreclosure issue. Council Member Catotti stated she could not support a reduction in the fund balance.

Mayor Pro Tempore Cole-McFadden stated if the lapsed salary money is saved including discretionary spending, the fund balance would exceed 17 percent. She also voiced concern with creation of jobs after the budget has been adopted.

Council Member Brown spoke in support of a recreation center in Walltown; however, he voiced concern with the dollar figure per square foot for construction. He reminded everyone that the city is thinking about purchasing the old facility on Trinity Avenue which currently has an existing swimming pool which is five minutes from Walltown. Mr. Brown referenced

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community centers and housing that has be built, renovated and supported by the council in the inner city - Lyon Park, Long Meadow Pool, Barnes Avenue, Rolling Hills, and the new youth center at Lyon Park. Council Member stated the least difficult decision to make is to take \$1,000,000 out of this pay as you go fund and use the money to reduce the tax rate that is being proposed. He stated at the present, there is no money in the CIP to construct a swimming pool at Walltown.

Council Member Woodard stated the reduction in the fund balance is a policy question and discussion on this should have taken place much earlier before tonight's meeting not just to hit a target. Mr. Woodard stated he would be voting yes to option 1 which will include better pay for the police officers and firefighters, yes for the project managers, for the street maintenance and solid waste workers, yes for increased planning staff to improve the development review process, yes for more inspections better housing and for better neighborhoods.

**MOTION** by Council Member Woodard seconded by Council Member Catotti to adopt the City of Durham Budget Ordinance for FY 2008-2009 [Option 1 – tax rate \$0.5457 with no reduction in fund balance] including items a; b; c; d; e; f; and g as printed on the agenda **FAILED** at 9:17 p.m. by the following vote: Ayes: Council Members Brown, Catotti and Woodard. Noes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali and Clement. Absent: None.

A motion was made by Council Member Ali to adopt the City of Durham Budget Ordinance for FY 2008-2009 [Option 2 reduction in fund balance - tax rate 54 cents] including items a; b; c; d; e; f; and g. This motion was seconded by Council Member Clement.

**SUBSTITUTE MOTION** by Council Member Woodard seconded by Council Member Catotti to adopt the City of Durham Budget Ordinance for FY 2008-2009, and that the capital project funds in the amount of \$1,000,000 for the design of the Walltown Recreation Center Pool be deferred for one fiscal year - tax rate 54.2 cents with no reduction in fund balance [including items a; b; c; d; e; f; and g as printed on the agenda] **FAILED** at 9:21 p.m. by the following vote: Ayes: Council Members Brown, Catotti and Woodard. Noes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali and Clement. Absent: None.

**MOTION** by Council Member Ali seconded by Council Member Clement to adopt the City of Durham Budget Ordinance for FY 2008-2009 [Option 2 reduction in fund balance – tax rate 54 cents] including items a; b; c; d; e; f; and g as printed on the agenda was approved at 9:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali and Clement. Noes: Council Members Brown, Catotti and Woodard. Absent: None.

### **Ordinance #13648**

Budget Director Bertha Johnson stated in talking with the City Attorney's Office, a resolution was not needed to reduce the fund balance. She stated the fund balance will be reduced to 11.08%.

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For the citizens that signed up to speak on this item, Mayor Bell stated the public hearing on the budget was held on Monday, June 2, 2008.

a) Fees

**MOTION** by Council Member Ali seconded by Council Member Clement to adopt a resolution superseding resolution #9474 approving Parks and Recreation Fee changes;

To adopt a resolution establishing fees and surcharges charged by the Durham Planning Department; and

To adopt a resolution establishing fees charged by the Solid Waste Department for cart rental and maintenance, roll-off container rental, dumpster rental services, bulky item pick up and stationary container bulky item removal was approved at 9:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali and Clement. Noes: Council Members Brown, Catotti and Woodard. Absent: None.

**Resolution #'s 9578, 9579 & 9580**

b) Non-City Agency Contracts

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute Non-City Agency contracts as recommended and to make amendments to the Non-City Agency contracts that do not increase the contract sum was approved at 9:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali and Clement. Noes: Council Members Brown, Catotti and Woodard. Absent: None.

**FY09 Funding**

Achievement Academy of Durham	\$ 3,315
American Dance Festival	51,172
Big Brothers Big Sisters	17,772
Center for Documentary Studies	4,050
Clean Energy Durham	13,500
Communities in Schools of Durham	3,325
Coordinating Council for Senior Citizens	15,750
Downtown Durham Athletic Association	2,250
Durham Affordable Housing Coalition	73,157
Durham Central Park	4,590
Durham City-County Crimestoppers Program	28,000
Durham Community Land Trustees	4,500
Durham Community Penalties Program	18,000
Durham Companions	2,375
Durham Congregations in Action	20,250
Durham Crisis Response Center	17,418

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Durham Literacy Center	14,000
Durham PROUD Program	10,189
Durham Striders Track Club	16,500
Durham Symphony Orchestra	10,115
El Centro Hispano	24,800
Good Work	24,300
Historic Preservation Society of Durham	22,500
John Avery Boys & Girls Club	6,500
Ligo Dojo of Budo Karate	20,250
Mallarme Chamber Players	5,280
North Carolinians Against Gun Violence	14,400
Project Graduation	4,500
Schoolhouse of Wonder	12,113
Scrap Exchange	10,214
Senior Counseling & Employment	8,240
St. Joseph's Historic Foundation	292,000
Students United for a Responsible Environment	4,050
Training for Success / New Horizon	29,488
Victorious CDC	10,000
Volunteer Center of Greater Durham	6,993

**Total NCA Funding in FY08-09** **\$825,856**

c) Capital Project Ordinances

**MOTION** by Council Member Ali seconded by Council Member Clement to adopt the City of Durham General Capital Improvements Projects Ordinance Fiscal Year 2008-09;

To adopt the City of Durham Water and Wastewater Capital Improvements Project Ordinance Fiscal Year 2008-09; and

To adopt the City of Durham Stormwater Capital Improvements Project Ordinance Fiscal Year 2008-09 was approved at 9:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali and Clement. Noes: Council Members Brown, Catotti and Woodard. Absent: None.

**Ordinance #'s 13632, 13633 & 13634**

d) Grant Project Ordinances

**MOTION** by Council Member Ali seconded by Council Member Clement to adopt the City of Durham Employment and Training Grant Project Ordinance July 1, 2008 – June 30, 2010; **[Ordinance #13635]**

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To adopt the City of Durham and North Carolina Department of Transportation Section 104(F) and Section 133(B)(3)(7) Transportation Planning Grant Project Ordinance; **[Ordinance #13636]**

To adopt the City of Durham Grant Project Ordinance Fiscal Year 2008-09 Transit Planning and Capital Grants; **[Ordinance #13637]**

To adopt a revision of grant project ordinance #13433 the City of Durham Grant Project Ordinance Fiscal Year 2007-08 Transit Planning and Capital Grants; **[Ordinance #13638]**

To adopt the City of Durham and U.S. Department of Justice Federal Asset Forfeiture Funds Grant Project Ordinance Fiscal Year 2008-09; **[Ordinance #13639]**

To adopt the City of Durham and State of North Carolina Controlled Substance Abuse Funds Grant Project Ordinance Fiscal Year 2008-09; **[Ordinance #13640]**

To adopt the City of Durham and U.S. Department of Justice 2008 Bulletproof Vest Partnership Program Grant Project Ordinance Fiscal Year 2008-09; **[Ordinance #13641]**

To adopt the City of Durham and Federal Task Team Initiatives Fiscal Year 2008 Grant Project Ordinance Fiscal Year 2008-09; **[Ordinance #13642]**

To adopt the City of Durham and U.S. Department of Justice 2008 Gang Resistance Education and Training (G.R.E.A.T.) Project Ordinance Fiscal Year 2008-09; **[Ordinance #13643]**

To adopt a revision of grant project ordinance #13437 the City of Durham and State of North Carolina Controlled Substance Abuse Funds Grant Project Ordinance Fiscal Year 2007-08; **[Ordinance #13644]**

To adopt a revision of grant project ordinance #13489 the City of Durham and U.S. Department of Justice Federal Asset Forfeiture Funds Grant Project Ordinance Fiscal Year 2007-08; **[Ordinance #13645]**

To adopt a revision of grant project ordinance #13472 the City of Durham and N.C. Department of Crime Control and Public Safety, Division of Governor's Crime Commission, "2008 Comprehensive Anti-Gang Initiative" Grant Project Ordinance Fiscal Year 2007-08; **[Ordinance #13646]**

To adopt the City of Durham and the U.S. Department of Justice FY2009 Hayti Weed and Seed Initiative Year 5 Weed & Seed Grant Project Ordinance Fiscal Year 2008-09; **[Ordinance #13647]**

To adopt the resolution establishing Financial Plans for Internal Service Funds for Fiscal Year 2008-09; **[Resolution #9581]**

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To adopt a resolution establishing Financial Plans for Internal Service Funds for Fiscal Year 2007-08 superseding resolution #9480; and **[Resolution #9582]**

To adopt a resolution establishing salary adjustments for the Mayor and Council Members equivalent to the average salary percentage increase awarded to general employees was approved at 9:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali and Clement. Noes: Council Members Brown, Catotti and Woodard. Absent: None.

**Resolution #9583**

**SUBJECT: SOLE SOURCE PURCHASE - TERRAPLAS FIELD PROTECTANT - TERRAPLAS NORTH AMERICA**

**MOTION** by Council Member Woodard seconded by Council Member Ali to approve the purchase of Terraplas Field Protectant without competitive bidding as authorized by G.S. 143-129 (e) (6) “on the grounds that the product is available from only one source of supply”;

To authorize the City Manager to enter into a contract with Terraplas North America, in the amount of \$653,600.00 for providing the City with Terraplas Field Protectant, edging and ramps; and

To authorize the City Manager to modify the contracts before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 9:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: CONTRACT BETWEEN THE CITY OF DURHAM AND COMMUNITIES IN SCHOOLS OF DURHAM FOR WIA-FUNDED YOUTH SERVICES**

**MOTION** by Council Member Woodard seconded by Council Member Ali to authorize the City Manager to execute a Workforce Investment Act Contract with Communities in Schools of Durham in an amount not to exceed \$32,500.00; and

To authorize the City Manager to modify the contract provided that the modifications do not increase the dollar amount and the modifications are consistent with the general intent of the contract was approved at 9:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.



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**SUBJECT: CITY OF DURHAM AND DOMINION MINISTRIES CONTRACT FOR  
WORKFORCE INVESTMENT ACT (WIA) YOUTH PROGRAM  
ELEMENT SERVICES**

**MOTION** by Council Member Woodard seconded by Council Member Ali to authorize the City Manager to execute a Workforce Investment Act Contract with Dominion Ministries in an amount not to exceed \$32,160.00 for Leadership Development and Adult Mentoring services; and

To authorize the City Manager to modify the contract provided that the modifications do not increase the dollar amount and the modifications are consistent with the general intent of the contract was approved at 9:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: SECOND AMENDMENT TO THE CONTRACT BETWEEN THE CITY  
OF DURHAM AND COMMUNITY PARTNERSHIPS, INC. FOR  
WORKFORCE INVESTMENT ACT-FUNDED YOUTH PROGRAMS**

**MOTION** by Council Member Woodard seconded by Council Member Ali to authorize the City Manager to execute the Second Amendment to Workforce Investment Act Contract with Community Partnerships, Inc. in an amount not to exceed \$350,000.00; and

To authorize the City Manager to modify the contract provided that the modifications do not increase the dollar amount and the modifications are consistent with the general intent of the contract was approved at 9:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: WORKFORCE INVESTMENT ACT ADULT AND DISLOCATED (LAID-  
OFF) WORKER CONTRACT WITH GENERAL MANAGEMENT  
SOLUTIONS, INC. (GMSI)**

**MOTION** by Council Member Ali seconded by Council Member Clement to authorize the City Manager to execute a Workforce Investment Act Contract with General Management Solutions, Inc. in an amount not to exceed \$731,000.00; and

To authorize the City Manager to modify the contract provided that the modifications do not increase the dollar amount and the modifications are consistent with the general intent of the contract was approved at 9:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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**SUBJECT: WORKFORCE INVESTMENT ACT CONTRACT BETWEEN THE CITY OF DURHAM AND THE ACHIEVEMENT ACADEMY OF DURHAM, INC. FOR WORKFORCE INVESTMENT ACT-FUNDED YOUTH SERVICES**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to execute a Workforce Investment Act Contract with Achievement Academy of Durham in an amount not to exceed \$80,582.10; and

To authorize the City Manager to modify the contract provided that the modifications do not increase the dollar amount and the modifications are consistent with the general intent of the contract was approved at 9:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: TELEPHONE SYSTEM MAINTENANCE CONTRACT--WORKGROUP TECHNOLOGIES INC.**

**MOTION** by Council Member Ali seconded by Council Member Woodard to authorize the City Manager to execute a one (1) year contract with Workgroup Technologies Inc., to provide telephone system support and maintenance and data cabling services not to exceed \$50,000.00; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: UNISYS MAINFRAME LEASE AGREEMENT - UNISYS LEASING CORPORATION**

**MOTION** by Council Member Ali seconded by Council Member Woodard to authorize the City Manager to execute a new lease agreement in the amount of \$63,733.44 with Unisys Leasing Corporation for one year beginning July 1, 2008 and ending June 30, 2009; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount and the modifications are consistent with the general intent of the existing version of the agreement was approved at 9:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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**SUBJECT: PROGRAM MANAGEMENT SERVICES-TASK ORDER #2 - MWH AMERICAS, INC.**

To authorize the City Manager to execute an amendment to add Task Order #2 to the consulting contract with MWH Americas, Inc. increasing the original contract amount by \$2,500,000.00 so that the total contract amount will not exceed \$3,207,500.00; and

To authorize the City Manager to make changes to the amendment if the changes do not increase the compensation to be paid by the City and do not decrease the services to be provided to the City.

Council Member Catotti asked her colleagues to consider deferring this item until the new City Manager arrives because it is a large item; however, she stated she is willing to consider a compromise. She stated it is not her intention to delay or eliminate program management services applied in this contract, but this very large service contract sets the direction to receive input from the incoming city manager to be sure this is the direction that he would like to pursue because of his experience with large capital projects. After staff presentation and implications are heard, she asked her colleagues to consider bringing a modified version back for program management services and to hold the issue of deliverables, the manual and training until July 24 or August 7, 2008.

For clarification, Council Member Catotti stated the item could be deferred until the new manager arrives or review a compromise which would allow for gap funding for program management services to continue in the interim.

Council Member Woodard stated he felt uncomfortable committing these funds for this specific project. He stated the deliverables are still unclear and would like to spend more time on this item, receive more information on keeping MWH engaged and on the suggestion made by Council Member Catotti.

Interim General Services Director Chris Boyer reported the most obvious part of the task order that could be continued would be the staff's support of project delivery. She stated we have staff from MWH who is supporting us in helping to deliver about 14 projects right now. The other portions of the task order relate to project delivery. She noted with this group of projects as well as the long term involving implementation of structure that would put into place, the processes needed to carry out a streamlined efficient capital project program and ultimately set up a city-wide capital projects office. However, what is to be gained from the consultant could be used right away by General Services as well as other departments who carry out capital projects. Also, she reminded Council that staff had begun implementation of an inter-departmental process to internally streamline how staff manages things and that is a part of the task order as well. It involves a number of departments coming together to look at how we do business to save time. She stated as a group we made a commitment to cut 50% off that time schedule. She stated these are some of the big deliverables that are part of this task order and some of these could be delayed.

Mayor Pro Tempore Cole-McFadden asked staff is funding available for this item.

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Interim General Services Director Chris Boyer replied yes.

Council Member Brown made comments in support of delaying the contract until the new City Manager arrives and stated he would support the continuance of gap funding.

Mayor Bell stated we need all the help we can get to get these projects out and completed. Mayor Bell stated time is money and we don't know when the new city manager will arrive; therefore, he cannot support not moving forward on getting these projects out.

Council held discussion on deliverables.

Deputy City Manager Wanda Page referenced the handout entitled Flagged Item Balancing 6/9/08, Item 121. She stated MWH has specifically been directed to manage and advance seven projects to include Fire Station 15, the General Services Bundle--7 projects, the City Hall Roof, Armory, Old Lyon Park Recreation Center, Campus Hills Playground and Weight Room, and the Solid Waste Transfer Station. Relative to Walltown project, she stated an internal project manager has been assigned to this project but this project had not been discussed with the consultant at the time this issue was brought to our attention.

Mayor Bell asked staff what is the consultant's cost associated with task order.

Deputy City Manager Wanda Page referenced page 11 of the task order and stated \$595,000 has been allocated for these particular projects. She indicated staff has not had discussions doing a portion of the task order that has been presented today and stated staff's recommendation is that Council move forward with the complete task order.

Interim General Services Director Chris Boyer indicated that she does not have any reservations and believe that this is the way that the City of Durham can best benefit from these services as a package and we can do the best possible job of streamlining our processes to be able to improve service delivery in the short and long term. She stated if we delay this issue there would be a loss of momentum as well as risking additional expenditure.

Council Member Catotti felt that the deliverables--not the project management ones--establishing a steering committee, doing a technical memorandum for organizational changes and the project delivery manual could wait six to eight weeks for review by the new City Manager. She expressed concern about the front loading of funding for this item and this might not be a path that the new city manager may want to pursue.

Mayor Bell raised a concern about the front loading and not delaying these 14 projects identified.

Mayor Bell asked what is the impact of delaying this item until July 24th Work Session in terms of projects identified and others dollars that are going to be paid out.

Interim General Services Director Chris Boyer stated the projects themselves would continue,

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but staff would like to continue working on implementing top priorities that were identified in the assessment so we can move forward with the creation of a project delivery manual.

MWH Project Executive Mike Musgrave made comments noting this is a scaled down version and they have been working as partners with the City to try and address these project delivery issues. He made comments noting he does not have a contract moving forward at this point and would not be in a position to wait a month to come back with a different scope. He urged Council to consider moving forward with this approach that has been worked out with General Services because the return on investment speaks for itself. Finally, he stated the task order ended in March, but MWH has been continuing to work as partners with no expectation and no legal commitment to MWH.

Council Member Brown made comments on the issue of project delivery and asked MWH why the frontloaded monetary aspects of the contract.

MWH Project Executive Mike Musgrave stated the task order ended the end of March and we are continuing to work as partners with no expectation, with no legal commitment to MWH, and are trying to put ourselves in a position to catch up.

Council Member Clement made comments in support of moving forward with this item.

Mayor Bell asked for clarification on upfront costs as it relates to developing processes vs. focusing on delivery of projects.

MWH Project Executive Mike Musgrave made comments referencing the first task order was over in April and in good faith we have been continuing to work with no promise of payment and would like to catch up for the two months that we have worked in addition.

Beth Emerson, Project Management Division, stated the leadership has always known that there was a need for a project delivery manual and the facilitation of an inner-departmental committee to help streamline resources within the City to be able to better deliver projects.

Council Member Catotti stated she supports project management, but would like to have the new city manager provide some input. She asked MWH if the roll out of phase 1 project delivery manual on organization controls and the planning phase is scheduled for delivery on September 26 could be pushed back for one month until July 24.

MWH Project Executive Mike Musgrave stated since their contract has expired, they cannot go another month and not know the situation.

Interim City Attorney Karen Sindelar reported as of Friday issues had not been totally worked out regarding the connection of the services with bond projects. She stated that the main legal issue connected with this contract has been worked out, but our office did note to staff and management the issue of the front end loading of payment which is not typically seen in a contract like this, but this is a management issue and not a legal issue.

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Council held discussion on contract schedule.

Mayor Bell asked if some of the front end payments could be further down the line.

MWH Project Executive Mike Musgrave stated he would work with General Services and the City Attorney's Office on the payment schedule.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute an amendment to add Task Order #2 to the consulting contract with MWH Americas, Inc. increasing the original contract amount by \$2,500,000.00 so that the total contract amount will not exceed \$3,207,500.00; and

To authorize the City Manager to make changes to the amendment if the changes do not increase the compensation to be paid by the City and do not decrease the services to be provided to the City was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Clement and Woodard. Noes: Council Member Catotti. Absent: None.

Note: Council Member Clement asked that monthly periodic reports be provided to Council.

City Manager Baker stated the administration will continue to make CIP and CPAC reports and those reports will highlight status of projects.

#### **[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]**

#### **SUBJECT: PLAN AMENDMENT – 2900 SOUTH MIAMI BOULEVARD (A0800004) – MIAMI BOULEVARD 51 INVESTORS**

To receive public comments on the 2900 South Miami Boulevard (A0800004) Plan Amendment; and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Commercial to Industrial.

Staff Recommendation: Approval, based on the justification and meeting the four criteria for plan amendments.

Planning Commission Recommendation: Approval, 13-0, April 8, 2008, based on the justification and meeting the four criteria for plan amendments.

City/County Planning Director Steve Medlin briefed Council on the plan amendment. He stated staff and the Planning Commission both recommended approval of this request. In addition, he certified that notices have been carried out in accordance with the requirements of the general statutes and the Unified Development Ordinance.

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Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Woodard seconded by Council Member Brown to receive public comments on the 2900 South Miami Boulevard (A0800004) Plan Amendment; and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Commercial to Industrial was approved at 10:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Resolution #9584**

**SUBJECT: ZONING MAP CHANGE – 2900 SOUTH MIAMI BOULEVARD  
(Z0800009) – MIAMI BOULEVARD 51 INVESTORS**

To receive public comments on the zoning map change for 2900 South Miami Boulevard (Z0800009);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z0800009 out of CN and RS-20 placing same in and establishing same as IL; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, should the pending plan amendment (A0800004) be approved, and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, should the plan amendment be approved, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, should the plan amendment be approved, based on consistency with the Comprehensive Plan, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 11-2 on April 8, 2008. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. However, should the plan amendment be approved, the request would be consistent with the Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

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[The site is located at 2900 South Miami Boulevard, on the west side of South Miami Boulevard, south of Brunson Street and north of Brassfield Road. PIN: 0749-04-52-6920]

City/County Planning Director Steve Medlin briefed Council on the zoning map change. He stated the request is consistent with the Comprehensive Plan and reported staff along with the Planning Commission have recommended approval of this request. He certified that proper notification has been carried out in accordance with the standards of the Unified Development Ordinance and state statutes.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the mayor closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to receive public comments on the zoning map change for 2900 South Miami Boulevard (Z0800009);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z0800009 out of CN and RS-20 placing same in and establishing same as IL; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, should the pending plan amendment (A0800004) be approved, and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 10:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13649**

**SUBJECT: ZONING MAP CHANGE - DAVIS PARK WEST INITIAL (Z07-27A) – CITY OF DURHAM – NORTHWEST CORNER OF THE INTERSECTION OF HOPSON ROAD AND DAVIS DRIVE AND EAST OF JENKINS ROAD**

To receive public comments on the initial zoning map change for Davis Park West Initial (Z07-27A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Science Research Park (SRP) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest



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given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report.

Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report.

[The site is located on the northwest corner of the intersection of Hopson Road and Davis Drive, east of Jenkins Road PIN 0737-03-95-9189-SLP]

City/County Planning Director Steve Medlin briefed Council on the initial zoning map change. He stated this request is to do a direct translational zoning from Science Research Park to Science Research Park. He reported staff is recommending approval of this item and the annexation for this property will be effective after on June 30, 2008. He certified that proper notification has been made in accordance with the requirements of the Unified Development Ordinance and state statutes.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the mayor closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to receive public comments on the initial zoning map change for Davis Park West Initial (Z07-27A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Science Research Park (SRP) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials was approved at 10:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13650**

**SUBJECT: ZONING MAP CHANGE – BRIGHTLEAF TRACT 3 OUTPARCEL  
INITIAL (Z0800001A) – CITY OF DURHAM - NORTH SIDE OF US 70  
AND THE EAST SIDE OF COPPER LEAF PARKWAY**

To receive public comments on the initial zoning map change for Brightleaf Tract 3 Outparcel Initial (Z0800001A);

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To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Suburban-20 (RS-20) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is not consistent with the Comprehensive Plan but is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report.

Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report.

[The site is located on the north side of US 70 and the east side of Copper Leaf Parkway PIN 0759-01-29-1296]

City/County Planning Director Steve Medlin briefed Council on the zoning map change. He stated this is an initial zoning for a newly annexed area that will be effective on June 30, 2008 and the request is for a transitional zoning from RS-20 to RS-20. He certified that notification has been made in accordance with the requirements of the Unified Development Ordinance and state standards.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the mayor closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive public comments on the initial zoning map change for Brightleaf Tract 3 Outparcel Initial (Z0800001A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Suburban-20 (RS-20) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is not consistent with the Comprehensive Plan but is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials was approved at 10:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13651**

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**SUBJECT: ZONING MAP CHANGE - FREEMAN ROAD/ROBERTS PROPERTY  
INITIAL (Z0800013A) - CITY OF DURHAM - NORTH SIDE OF  
FREEMAN ROAD, EAST OF VALMET DRIVE AND WEST OF  
MINERAL SPRINGS ROAD**

To receive public comments on the initial zoning map change for Freeman Road/Roberts Property Initial (Z0800013A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Suburban-10 (RS-10) and Residential Suburban-20 (RS-20) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report.

Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report.

[The site is located on the north side of Freeman Road, east of Valmet Drive and west of Mineral Springs Road PIN 0851-01-47-0488, -1487, -2453, -2491, -3349, -4318, -5334]

City/County Planning Director Steve Medlin briefed Council on the item stating this is an initial zoning for a newly annexed area effective on June 30, 2008, reported the request is to do a transitional zoning from RS-20 and RS-10 to RS-20 and RS-10. He stated staff is recommending approval of this request and certified that proper notification has been made in accordance with the requirements of the unified development ordinance and state statutes.

Mayor Bell opened the public hearing. There being no one to speak in support for against this item, the Mayor closed the public hearing.

**MOTION** Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive public comments on the initial zoning map change for Freeman Road/Roberts Property Initial (Z0800013A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Suburban-10 (RS-10) and Residential Suburban-20 (RS-20) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information

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presented in the public hearing and in the accompanying agenda materials was approved at 10:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13652**

**SUBJECT: STREET CLOSING - A 150.71 LINEAR FEET UNNAMED ALLEY OFF CHAPEL HILL ROAD (SC0800001) – LANIER SELF-HELP – WEST OF CHAPEL HILL ROAD AND EAST OF UNDERWOOD AVENUE**

To receive public comments on the permanent closing of a 150.71 linear feet unnamed alley off Chapel Hill Road; and

To adopt an Order permanently closing a 150.71 linear feet unnamed alley off Chapel Hill Road, located west of Chapel Hill Road and south of Whitcomb Street.

City/County Planning Director Steve Medlin briefed Council on the street closing referencing that the request has been reviewed by all appropriate agencies and there have been no issues identified. He stated staff is recommending approval of this street closing and certified that all proper notice has been carried out in accordance with the general statutes and Unified development ordinance standards.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Woodard seconded by Council Member Catotti to receive public comments on the permanent closing of a 150.71 linear feet unnamed alley off Chapel Hill Road; and

To adopt an Order permanently closing a 150.71 linear feet unnamed alley off Chapel Hill Road, located west of Chapel Hill Road and south of Whitcomb Street was approved at 10:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13653**

**SUBJECT: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – IL/COMPACT HEIGHT (TC0800001)**

To receive public comments on the Unified Development Ordinance (UDO) Text Change – IL/Compact Height (TC0800001); and

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, incorporating revisions to Article 6, District Intensity Standards.

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City/County Planning Director Steve Medlin reminded Council that this item was discussed at the June 2, 2008 City Council Meeting and was continued to tonight to allow staff to work with surrounding property owners of the Old West Durham neighborhood--Tom Miller and John Schelp as well as representatives of one of the property owners in the Ninth Street area, Craigie Sanders and Patrick Byker to develop language that would be suitable for all parties involved. He stated staff is recommending approval of the ordinance as drafted.

Mayor Bell opened the public hearing.

Tom Miller, representing Watts-Hospital Hillandale Neighborhood Association and Old West Durham Neighborhood Association, thanked Council for delaying this item to allow them to work out a compromise to this issue. Also, he urged Council to vote in support of this text amendment.

Craigie Sanders thanked staff and others for their support and stated the language is good and meets the intent of all parties.

Mayor Bell closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive public comments on the Unified Development Ordinance (UDO) Text Change – IL/Compact Height (TC0800001); and

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, incorporating revisions to Article 6, District Intensity Standards was approved at 10:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13654**

**SUBJECT: ZONING MAP CHANGE – DUKE LEMUR CENTER INITIAL  
(Z0800012A) – CITY OF DURHAM - SOUTH OF NC 751, WEST OF US  
15-501, NORTH OF CORNWALLIS ROAD AND EAST OF ERWIN ROAD**

To receive public comments on the initial zoning map change for Duke Lemur Center Initial (Z0800012A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish University College (UC) zoning for the property described in the staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the *Comprehensive Plan* and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

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Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report.

Planning Commission Recommendation and Vote: Denial, 9-4 on April 8, 2008. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is not reasonable and in the public interest and recommends denial based inadequate transportation infrastructure and insufficient information due to the lack of a development plan. In light of the information in the staff report and comments received during the public hearing, the Commission believes it is reasonable and in the public interest for the Council to adopt a direct translation of the existing zoning in the County.

[The site is located South of NC 751, west of US 15-501, north of Cornwallis Road and east of Erwin Road PIN 0860-02-67-0888 (partial)]

City/County Planning Director Steve Medlin informed Council that this item was continued from the June 2, 2008 City Council Meeting to allow staff to work with the adjoining property owners and Duke University to come up with alternatives that all parties could agree to. He referenced the alternatives that were included in Council's package to include the UC District, a combination of UC and RS-20 and straight RS-20. He reported the neighbors and Duke University have come to an agreement and stated staff is recommending that Council adopt the UC zoning.

Mayor Bell opened the public hearing.

### **Proponent**

Kemel Dawkins of Duke University spoke in favor of the zoning map request. He stated he has been working with members of the West Cornwallis Neighborhood Association and felt that they have come to an agreement on an approach that will allow everyone to be in support of this effort. He read the following letter agreement:

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Mr. Lewis A. Carson, Jr.  
President  
West Cornwallis Neighborhood Association  
2510 Lanier Place  
Durham, NC 27705

RE: Letter Agreement

Dear Mr. Carson:

**June 16, 2008**

Duke University agrees to submit within ninety (90) days of June 16, 2008 a zoning map change with a development plan that indicates a 150 foot undisturbed vegetative buffer around Duke Lemur Center/Duke Forest Parcel Identification Number Pin 0860-02-67—0888 as described in Attachment A. Duke further agrees to dedicate a recorded undisturbed buffer adjacent to the neighborhood on the perimeter of the UC district as described in Attachment A.

In addition, Duke agrees to consider the following: to increase the width of the buffer from 150 feet to 200 feet; to include in the development plan two additional parcels ID #137545 and the parcel south of the fire station along Cornwallis Road currently in the City of Durham.

In consideration for the foregoing, the West Cornwallis Neighborhood Association agrees to support the zoning map change for Parcel Identification Number Pin 0860-02-67-0888 from RS-20, RR (County Jurisdiction) to UC [City Jurisdiction].

Signed by Kemel W. Dawkins, Vice President for Campus Services and Accepted and agreed to by: Lewis A. Carson, Jr. President, West Cornwallis Neighborhood Association.

Interim City Attorney Karen Sindelar briefed Council noting this is a private agreement and it does depend on the good faith of Duke University to enforce it and the City is not in any position to enforce this agreement.

### **Opponent**

Lewis Carson, Jr., President of the West Cornwallis Neighborhood Association thanked Duke and others for their help in getting everyone to this point. He stated the West Cornwallis Neighborhood Association does not oppose this item, but support this resolution.

Mayor Bell closed the public hearing.

**MOTION** by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to receive public comments on the initial zoning map change for Duke Lemur Center Initial (Z0800012A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish University College (UC) zoning for the property described in the staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the *Comprehensive Plan* and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 10:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13655**

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There being no further business to come before the City Council, the meeting was adjourned at 10:27 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk